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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

THE STATE OF CALIFORNIA; THE STATE
OF DELAWARE; THE STATE OF
MARYLAND; THE STATE OF NEW YORK;
THE COMMONWEALTH OF VIRGINIA.

Plaintiffs,

V.

ERIC D. HARGAN, IN HIS OFFICIAL
CAPACITY AS ACTING SECRETARY OF
THE U.S. DEPARTMENT OF HEALTH &
HUMAN SERVICES, et al.,

Defendants.

Case No. 4:17-CV-05783-HSG

**UNOPPOSED ADMINISTRATIVE
MOTION FOR LEAVE TO
APPEAR AS *AMICI CURIAE* AND
TO FILE AN *AMICUS* BRIEF IN
SUPPORT OF PLAINTIFFS'
MOTION FOR A PRELIMINARY
INJUNCTION AND
MEMORANDUM IN SUPPORT
THEREOF**

Hon. Haywood S. Gilliam, Jr.

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that the American Association of University Women
3 (“AAUW”); Service Employees International Union (“SEIU”); and 14 additional professional,
4 labor, and student associations (collectively, “Amici”) request the Court’s leave to file, as *amicus*
5 *curiae*, a brief in support of the Motion for Preliminary Injunction filed by the State of California,
6 the State of Delaware, the State of Maryland, the State of New York, and the Commonwealth of
7 Virginia (collectively, “Plaintiffs”). Counsel for all parties have consented to the filing of Amici
8 Curiae’s *amicus* brief and an executed joint Stipulation and Proposed Order Granting Motion For
9 Leave to Appear as *Amici Curiae* and to File an *Amicus* Brief in Support of Plaintiffs’ Motion For
10 a Preliminary Injunction is attached to this Motion as Exhibit A. Amici’s *amicus* brief is attached
11 to this Motion as Exhibit B. Amici respectfully request that the Court rule on this Motion prior to
12 the December 6, 2017 deadline for filing of *amicus* briefs.

13 This Motion is based on this Unopposed Administrative Motion, the accompanying
14 Memorandum in support thereof, Exhibits A and B thereto, the Stipulation and Proposed Order
15 Granting Motion For Leave to Appear as *Amici Curiae* and to File an *Amicus* Brief, the pleadings
16 and other papers on file herein, and such other written and oral argument as may be presented to
17 the Court.

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1 **I. STANDARD**

2 The Court has broad discretion to permit a non-party to participate in an action as *amicus*
 3 *curiae*. *See, e.g., Gerritson v. de la Madrid Hurtado*, 819 F.2d 1511, 1514 n.3 (9th Cir. 1987);
 4 *see also Nat. Res. Def. Council v. Evans*, 243 F. Supp. 2d 1046, 1047 (N.D. Cal. 2003) (*amici*
 5 “may file briefs and may possibly participate in oral argument” in district court actions). Amici
 6 submit that their brief offers “useful” and “desirable” information meriting “[t]he privilege of
 7 being heard amicus.” *In re Roxford Foods Litig.*, 790 F. Supp. 987, 997 (E.D. Cal. 1991) (citing
 8 *United States v. Louisiana*, 751 F. Supp. 608, 620 (E.D. La. 1990)). The proposed *amicus* brief
 9 is not duplicative of Plaintiffs’ moving briefs and offers the Court unique information. As this
 10 Court has noted, “[d]istrict courts frequently welcome amicus briefs from non-parties … if the
 11 amicus has ‘unique information or perspective that can help the court beyond the help that the
 12 lawyers for the parties are able to provide.’” *Sonoma Falls Dev., LLC v. Nev. Gold & Casinos,*
 13 *Inc.*, 272 F. Supp. 2d 919, 925 (N.D. Cal. 2003) (quoting *Cobell v. Norton*, 246 F. Supp. 2d 59,
 14 62 (D.D.C. 2003)).

15 **II. IDENTITY AND INTEREST OF AMICI CURIAE**

16 Amici have a particular interest in the outcome of this litigation and Plaintiffs’ preliminary
 17 injunction motion because no-cost coverage of safe and reliable contraceptives is critical for
 18 women’s educational and professional success, as well as for women’s health and well-being.
 19 Amici are organizations that work on behalf of female employees and students throughout the
 20 United States. These associations represent professional women, women in organized labor,
 21 women employed in various industries, social workers, teachers, lawyers, students, and more.

22 *Amicus curiae* AAUW was founded in 1881 by like-minded women who had challenged
 23 society’s conventions by earning college degrees. Since then it has worked to increase women’s
 24 access to higher education through research, advocacy, and philanthropy. Today, AAUW has
 25 more than 170,000 members and supporters, 1,000 branches, and 800 college and university
 26 partners nationwide. AAUW plays a major role in mobilizing advocates nationwide on AAUW’s
 27 priority issues to advance gender equity. In adherence with its member-adopted Public Policy
 28 Program, AAUW supports choice in the determination of one’s reproductive life and increased

1 access to health care and family planning services.

2 *Amicus curiae* SEIU is a union of two million women and men who work in health care,
3 property services, and public services throughout the United States. More than half of SEIU's
4 members are women and more than half of its members work in health care. SEIU is deeply
5 committed to ensuring that all working people, men and women alike, have access to affordable
6 health care, including contraceptive coverage as intended by the Affordable Care Act. SEIU has
7 a particular interest in this litigation because its members know, both personally and in their
8 capacity as health care workers, how vital it is for women to have seamless contraceptive
9 coverage in order to be able to protect their health and their ability to work, which in turn are
10 necessary for the economic security of families across America.

11 The 14 additional professional, labor, and student associations and their statements of
12 interest are outlined in the Appendix to Exhibit B.

13 **III. CONCLUSION**

14 For the reasons set forth above, Amici respectfully request this Court's leave to file the
15 accompanying *amicus* brief in support of Plaintiffs' Motion for a Preliminary Injunction.

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1 Dated: December 5, 2017

Respectfully submitted,

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16 Association of University Women; Service
Employees International Union; and 14
17 Additional Professional, Labor, and Student
Associations*